

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA, NORTHERN DIVISION**

In the Matter of:

MARVIN REX RANKIN, III
SSN: xxx-xx-3901

MARY BETH LEMMOND RANKIN
SSN: xxx-xx-7950
aka Mary Beth Lemmond
fdba Chop Chop

Debtors.

Case No. 20-80495-CRJ-11

Chapter 11

**MOTION FOR RELIEF FROM AUTOMATIC STAY OF SECTION 362 (a), OR IN THE
ALTERNATIVE, MOTION FOR ADEQUATE PROTECTION**

COMES NOW, Ally Bank (hereinafter referred to as "Ally Bank"), and requests this Honorable Court for an order terminating the automatic stay imposed by 11 U.S.C. 362(a), in order that it may foreclose, repossess or otherwise liquidate its collateral. As grounds for this motion, Ally Bank respectfully represents unto the Court as follows:

1. The Debtors in the above styled cause, Marvin Rex Rankin, III and Mary Beth Lemmond Rankin (hereinafter "the Debtors"), filed a petition in the United States Bankruptcy Court for the Northern District of Alabama, Northern Division, the same being Case No. 20-80495-CRJ-11.

2. On December 14, 2017, the Debtors executed a Retail Installment Sales Contract purchasing **one (1) 2014 Dodge Grand Caravan, VIN: 2C4RDGBG7ER401573**. Ally Bank holds a perfected lien on said collateral.

3. That Ally Bank avers that the Debtors failed and refused to make payments as set out in the contract and the contract is now in default for the installment months of March 2020 through May 2020 in the amount of \$770.79.

Rankin, III; File #20-05023-BK

4. That the contract provides that any failure by the Debtors to make any payments when due constitutes an event of default, and that Ally Bank would then be able to accelerate the entire debt and make all amounts due under the contract, including all other related costs, expenses and attorneys' fees. The terms and conditions of the contract provide that Ally Bank may then exercise certain other remedies, including recovery of its collateral.

5. That the Debtors have made no contractual payments since the filing of this petition, and the account is now in default.

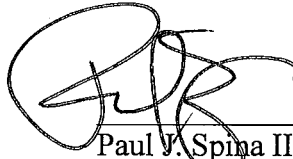
6. That upon information and belief of Ally Bank, the Debtors have continued to use and possess the collateral to the detriment of Ally Bank without providing Ally Bank the adequate protection of its interest in the collateral as required by law.

7. Ally Bank under the terms of its agreements, it retains an interest in the collateral that is superior to the interest of the Trustee. Ally Bank further avers that there is no value in the collateral herein beyond the indebtedness owed to Ally Bank and that there is no equity in the said collateral for the estate.

8. Ally Bank also claims fees and costs for the filing of this motion.

9. Ally Bank request that the stay provided in Federal Rules of Bankruptcy 4001(a)(3) shall not apply to the order entered pursuant to this motion.

WHEREFORE, PREMISES CONSIDERED, Ally Bank request this Honorable Court for an Order granting its above and foregoing motion, and for waiver of the fourteen (14) day stay imposed by Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure and for such further and other relief as this Court deems proper.



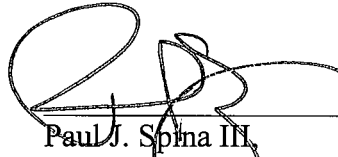
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing motion on all parties as listed on the Clerk's Certified Matrix, Tazewell Shepard, The Debtors' Attorney, and Richard Blythe, Office of the Bankruptcy Administrator by electronic service through the Court's CM/ECF system and/or by placing a copy of same in the United States Mail, postage pre-paid on this the 22nd day of **June, 2020**.



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Label Matrix for local noticing
1126-8
Case 20-80495-CRJ11
NORTHERN DISTRICT OF ALABAMA
Decatur
Fri Jun 19 15:04:39 CDT 2020

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National Bankruptcy Department
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Phoenix, AZ 85038-9505

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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(d)Renasant Bank
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End of Label Matrix
Mailable recipients 30
Bypassed recipients 3
Total 33